

**Notice of Allowability**

Application No.

09/203,853

Examiner

Anh-Vu H. Ly

Applicant(s)

WIGGINS ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed October 09, 2007.
2. ☒ The allowed claim(s) is/are 85-89, 91-105, 107-121, 123-135, and 137-144 renumbered as 1-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William M. Lee on December 12, 2007.

The application has been amended as follows:

***In The Claims***

Claim 85, in line 14, "signal for adapting" has been replaced with --signal comprising a pause frame for adapting--.

Claim 90 is canceled.

Claim 91, in line 1, "A method according to claim 90" has been replaced with --A method according to claim 85--.

Claim 101, in line 15, "signal for adapting" has been replaced with --signal comprising a pause frame for adapting--.

Claim 106 is canceled.

Claim 107, in line 1, "A method according to claim 106" has been replaced with --A method according to claim 101--.

Claim 117, in line 15, "signal for adapting" has been replaced with --signal comprising a pause frame for adapting--.

Claim 122 is canceled.

Claim 123, in line 1, "Apparatus according to claim 122" has been replaced with --  
Apparatus according to claim 117--.

Claim 131, in line 16, "signal for adapting" has been replaced with --signal comprising a  
pause frame for adapting--.

Claim 136 is canceled.

Claim 137, in line 1, "Apparatus according to claim 136" has been replaced with --  
Apparatus according to claim 131--.

***Allowable Subject Matter***

2. Claims 85-89, 91-105, 107-121, 123-135, and 137-144 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest a synchronous digital network multiplexer, in response to determining that the monitored amount of data stored in a buffer is greater than a threshold level, generating a pause frame signal for adapting a first rate to a second rate of data transmission in a local area network and using the generated pause frame to adapt the data transmission rate of the local area network from the first rate to a second rate, wherein the second rate is lower than the first rate, as specified in independent claims 85, 101, 117, and 131.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donovan et al (US Patent No. 6,122,281) discloses method and apparatus for transmitting LAN data over a synchronous wide area network.

Allan et al (US Patent No. 5,946,313) discloses mechanism for multiplexing ATM AAL5 virtual circuits over Ethernet.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Application/Control Number:  
09/203,853  
Art Unit: 2616

Page 5

like assistance from a USPTO Customer Service Representative or access to the  
automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be "A. L. S.", written over a horizontal line.

avl